

**IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF OKLAHOMA**

BOARD OF COUNTY COMMISSIONERS)
OF THE COUNTY OF KAY, OKLAHOMA)

Plaintiff,)

v.)

Case No. CIV-12-00601-C

FREEPORT-MCMORAN COPPER & GOLD)
INC.; FREEPORT-MCMORAN)
CORPORATION f/k/a PHELPS DODGE)
CORPORATION; CYPRUS AMAX)
MINERALS COMPANY; and BLACKWELL)
ZINC COMPANY, INC.;)

Defendants.)

PLAINTIFF'S FINAL WITNESS LIST

Pursuant to the Court's Scheduling Order of August 9, 2012 (Doc. No. 34), ¶ 4(a), the following will serve as the Final Witness List of Plaintiff, Board of County Commissioners of the County of Kay, Oklahoma:



| NO. | NAME | ADDRESS | EXPECTED TESTIMONY | CALL |
|-----|------------------|--|---|----------|
| 1 | Kent Alme | Freeport-McMoRan c/o Defendants | Deposed | May |
| 2 | Steven Amter | Disposal Safety Incorporated 1001 Connecticut Avenue, NW Suite 525 Washington, DC 20036 | Expert testimony; Report provided and to be deposed | Expected |
| 3 | Stuart Brown | Freeport-McMoRan c/o Defendants | Deposed | May |
| 4 | Brady Burke | River Ridge Construction 707 E. 6th Newkirk, OK 74647 | Identification of Smelter waste in Kay County road and bridge projects; Instructions given by Kay County for handling of Smelter waste; Concern for workers over Smelter waste | May |
| 5 | Randy Burkhalter | 1500 South O Street Blackwell, OK 74631 | Identification of Smelter waste in Kay County road system; Use of Kay County road system; Dusty condition of Kay County roads | Expected |
| 6 | Joanna Campbell | Executive Director Top of Oklahoma Historical Museum 303 South Main Street Blackwell, OK 74631 | If needed, to identify and authenticate historical photographs and documents obtained from the Top of Oklahoma Historical Museum | May |
| 7 | William Cobb | Freeport-McMoRan c/o Defendants | Deposed | May |
| 8 | Dorvin Constant | Kay County District 3 1814 W. Dewey Blackwell, OK 74631 | Previously deposed | Expected |
| 9 | Mark Cordell | Mayor City of Blackwell P. O. Box 350 Blackwell, OK 74631 | Remediation in the City of Blackwell by Defendants; Identification and notification to Defendants of Smelter waste in Kay County road system and throughout the County | Expected |

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| 10 | Ken Crowder | Ken Crowder Photography 117 E Grand Avenue Tonkawa, OK 74653 | Authentication of photographs and identification of Smelter waste in County road system | May |
| 11 | Hugh Donahue | Unknown | Deposition testimony in prior litigation (2008) | May |
| 12 | Angela Evans | Blackwell Zinc Company c/o Defendants | Status as employee of Blackwell Zinc but payment of salary and other benefits by Freeport-McMoRan | May |
| 13 | John Fenn | Freeport-McMoRan c/o Defendants | Deposed | May |
| 14 | Dr. George Flowers | Tulane University Department of Earth and Environmental Sciences 6823 St. Charles Avenue 101 Blessey Hall, Room 205 New Orleans, LA 70118 | Expert testimony; Report provided and to be deposed | Expected |
| 15 | James Frazier | Unknown | Deposition testimony in prior litigation (1972) | May |
| 16 | Jill Glenny | 5320 South 60th Street Blackwell, OK 74631 | Identification of Smelter waste in Kay County road system; Use of Kay County road system | Expected |
| 17 | Stan Hayes | Environ c/o Defendants | Modeling used in Defendants' risk assessments | May |
| 18 | Marie Head | 16983 W. Bender Road Blackwell, OK 74631 | Use of Kay County road system; Dusty condition of Kay County roads | Expected |
| 19 | Michael Hughes | Consultant c/o Defendants | Background information surrounding his study performed on Smelter waste use in roads | May |
| 20 | Mike Leach | Freeport-McMoRan c/o Defendants | Remediation by Defendants associated with the Smelter | May |
| 21 | Pete Lively | Road Foreman Kay County District 3 1814 W. Dewey Blackwell, OK 74631 | Previously deposed | Expected |

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| 22 | Carol Purdy | Kay County Assessor 201 S. Main Newkirk, OK 74647 | Identification of County-owned properties Defendants offered to test | May |
| 23 | Rex Purdy | 9801 South 124th Tonkawa, OK 74653 | Historical use and observation of Smelter waste in Kay County road system | May |
| 24 | Don Rickner | 1565 South O Street Blackwell, OK 74631 | Identification of Smelter waste in Kay County road system; Use of Kay County road system; Dusty condition of Kay County roads | Expected |
| 25 | Tyson Rowe | Commissioner Kay County District 3 1814 W. Dewey Blackwell, OK 74631 | Previously deposited | Expected |
| 26 | Larry Shields | Kay County District 3 1814 W. Dewey Blackwell, OK 74631 | Previously deposited | Expected |
| 27 | Karl E. Stickley, P.E. | C. H. Guernsey 5555 N. Grand Boulevard Oklahoma City, OK 73112 | Expert testimony; Report provided and to be deposed | Expected |
| 28 | Chris Saranko | Environmental Planning Specialists, Inc. c/o Defendants | Deposed | May |
| 29 | John Shonfelt | Arcadis U.S., Inc. c/o Defendants | To be deposed | May |
| 30 | Dr. Christopher M. Teaf | President & Director of Toxicology Hazardous Substance & Waste Management Research 2976 Wellington Circle West Tallahassee, FL 32309 | Expert testimony; Report provided and to be deposed | Expected |

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| 31 | Scott Thompson | Director Land Protection Division Oklahoma Department of Environmental Quality P.O. Box 1677 Oklahoma City, OK 73101 | Oklahoma DEQ Land Protection Division past precedent and policy for cleanup of Smelter waste at sites in Oklahoma | Expected |
| 32 | Vern Wilbanks | 714 Almack Drive Blackwell, OK 74631 | Historical use and observation of Smelter waste in Kay County road system | May |
| 33 | John Wilson | Kay County District 3 1814 W. Dewey Blackwell, OK 74631 | County road and bridge construction and maintenance and identification and impacts from Smelter waste | May |
| 34 | Laile Wilson | 935 South 6th Street Blackwell, OK 74631 | Historical use and observation of Smelter waste in Kay County road system | May |
| 35 | Alter Ego/Instrumentality Expert | | Expert testimony; Report to be furnished to Defendants on or before July 18, 2013; Expected to be deposed | Expected |
| 36 | Defendant 30(b)(6) Representative | | Authenticate historical documents of BZC/Amax | May |
| 37 | Records Custodian of Ponca City | Unknown | If needed, to authenticate historical document | May |
| 38 | Any witnesses deposed or that may be deposed during ongoing discovery to whom Kay County does not object | | | May |
| 39 | Any witnesses listed by other parties to whom Kay County does not object | | | May |
| 40 | Any witnesses identified during ongoing discovery to whom Kay County does not object | | | May |
| 41 | Any additional expert witnesses, including but not limited to rebuttal witnesses, determined to be necessary during ongoing discovery by Kay County pursuant to Fed.R.Civ.P. 26(a)(2)(D)(ii) and/or as permitted by the Court | | | May |
| 42 | Any rebuttal witnesses determined to be necessary by Kay County | | | May |

Respectfully submitted,

s/Phillip G. Whaley

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- and -

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2013, I electronically transmitted the attached document to the clerk of this Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Phillip G. Whaley

Phillip G. Whaley